

# Senior Service College Fellowship Civilian Research Project

## PROVIDING TECHNICAL EXPERTISE FOR EFFECTIVE CONTRACT MANAGEMENT

BY

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**PROVIDING TECHNICAL EXPERTISE FOR EFFECTIVE CONTRACT  
MANAGEMENT**

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## **ABSTRACT**

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This paper examines how to effectively resource and then employ CORs in contingency operations. I will recommend related policy and organizational changes to that end. During two deployments to Iraq and Afghanistan the identification, resourcing, training and employment of CORs was a significant issue to both the Contracting Officers and the supported units. Most units had numerous demands for their Soldiers time and efforts; the responsibilities of the COR was one of a myriad of different additional duties units were responsible for. Due to these competing duties COR functions often were neglected or completed in a rudimentary manner. This shortfall impacted the overall mission by allowing sub performing contractors to provide substandard work or in some instances not complete the requirements at all. In Iraq, this lack of diligence led to the electrocutions of Soldiers caused by faulty wiring. The failure of these contracts had an impact on the overall counter-insurgency mission. Another problem is the lack of the requisite skills required to inspect and detect or certify contracted projects or services. This lack of expertise has been noted by the Special

Inspector General for Afghan Reconstruction (SIGAR) and the congressionally appointed Commission on Wartime Contracting (COWC).

## PROVIDING TECHNICAL EXPERTISE FOR EFFECTIVE CONTRACT MANAGEMENT

The Department of Defense has experienced significant difficulties in contract management in both Operations Iraqi Freedom (OIF) and Enduring Freedom (OEF). It is the intent of the paper to determine the most effective method to provide the technical expertise for effective contract management.

### Background:

In examining the issues surrounding Contracting management in Contingency Operations, the author reviewed 40 different sources. These sources included testimony to Congress by Senator Levin; Terry Raney, CACI International Senior Vice President; and Assistant Secretary David Johnson, Bureau of International Narcotics and Law Enforcement Affairs, US Department of State. The paper includes information gleaned from a memorandum from the Deputy Secretary of Defense, Gordon England. Also included is information and data from multiple reports by the Commission on Wartime Contracting, the Special Inspector General for Iraqi and Afghan Reconstruction and the General Accountability Office. Articles examining issues and concerns with contracting in both Iraq and Afghanistan were also used to gain insight and provide background to the problem. Statements from key leaders who were deployed in both Iraq and Afghanistan were used to validate the hypothesis that Contracting Officer Representatives (CORs) lacked the technical training to adequately conduct their mission and that this gap in their knowledge, skills and abilities led to the overall challenges they faced in managing contracts in both theaters. In examining

current doctrine, Federal Contract Regulations, and various civilian guidebooks and handbooks were used to gain the basis of the gap analysis. All of this data corroborated the hypothesis that Contracting Officer Representatives lack the technical expertise necessary to effectively manage contracts requiring technical knowledge or experience.

The US Government has spent more than \$830 Billion dollars to support operations in both Iraq and Afghanistan through June 2009.<sup>1</sup> What are the problems and issues regarding the expenditure of so much money? Part of the problem was and still is that the US Military did not have the appropriate structures to provide the contracting support needed.<sup>2</sup> During a 2008 Government Accountability Office (GAO) review of seven contracts, they found that five did not have adequate management or oversight personnel.<sup>3</sup> This was corrected through the implementations of the Gansler Commission,<sup>4</sup> by creating the Army Contracting Command and the Army Expeditionary Contracting Command. Another issue is the significant amount of contract fraud and corruption that has been discovered. In FY 09 there were 975 active cases of procurement fraud by the Defense Criminal Investigative Service.<sup>5</sup> These criminal cases are being investigated by the International Contract Corruption Task Force. Another critical issue that was noted in the Gansler report as well as the Commission on Wartime Contracting was the failure in contract management. Specifically, the Commission found and highlighted in their Interim Report to Congress that “Contracting agencies must provide better and more timely training for employees who manage contracts and oversee contractors’

performance. In particular, members of the military assigned to perform on-site performance oversight as contracting officer's representatives often do not learn of the assignment until their unit arrives in theater, and then find insufficient time and Internet access to complete necessary training.”<sup>6</sup> It is this failure in training and adequate expertise that this paper will focus on. Understanding the environment and the process is essential to understanding the missing piece that is sabotaging effective contract management in a contingency environment.

#### Contracting Structure & Environment:

Contracting is one part of a three-part structure that completes the acquisition cycle. The first part of that structure is the requiring activity, the organization that has the demand or need for an item or service. Once the requiring activity have a documented requirement, they obtain funding from the supporting comptroller. Once there is a validated requirement with approved funding, the requirement and funding are sent to contracting for procurement. Prior to the contract being let, the contracting officer appoints a COR. This COR is nominated from the requiring activity and has the responsibility to ensure that the government is receiving what was ordered and that the quality and quantity are acceptable. This responsibility is placed upon the requiring activity because they are in the best position to know the technical specifications, quantities and other details of the requirements. The COR has the responsibility to accept the item/project on behalf of the government and to approve invoices for payment. Once approved those invoices go back to both the finance leg and the contracting leg. In order to avoid a conflict of interest or give the impression of

any improprieties each leg of this triad is separate. It is this reason and those already mentioned that the COR is the responsibility of the requiring activity and not the Contracting Officer.

If the COR has the responsibility to accept the goods or service on behalf of the government it is a necessity that they have the expertise necessary to conduct a reasonable inspection of the item or project. The government acceptance acknowledges that the items conform to the contract requirements. Once accepted, short of a latent defect, the item is the responsibility of the government. A latent defect would be something that couldn't be discovered through an ordinary or reasonable inspection<sup>7</sup>.

#### CORs and Contingency Contracting:

Contingency Contracting and Contractors on the battlefield are not new; in fact they have been supporting United States Military Forces since the inception of the Army.<sup>8</sup> This paper will not examine whether the use of contractors in such a large scale is in the best interest of the US Government nor will it assign any value judgments on the use of contractors. Rather it will look at the responsibility for contractor oversight, i.e., Contracting Officer's Representatives and their selection, training and preparedness to handle the mission. It examines how to effectively resource and then employ CORs in contingency operations. I will recommend related policy and organizational changes that if implemented will help reduce the deficiencies identified in the Army's ability to manage contracts during a contingency operation. Contingency Contracting is "...the process by which essential supplies and services needed to sustain deployed

forces are obtained on behalf of the US Government. It includes emergency contracting in the continental United States (CONUS) or outside the continental United States (OCONUS) for those actions necessary to support mobilizing and deploying units.”<sup>9</sup>

What is new is the breadth and depth of contracting support that is required to keep US ground forces ready and relevant. Contractors permeate all facets of the military from basic logistic functions to intelligence analysts and even security for military bases. Contractors are placed on contract by a warranted contracting officer who has the legal authority to enter into, administer or terminate contracts. The warrant grants them the authorization to obligate the US Government.<sup>10</sup> There are very few contracting officers relative to the number of contracts that are written and administered. To assist the contracting officer a COR may be appointed.

CORs are personnel appointed in writing by the Contracting Officer to oversee a specific contract or contracts. CORs are the eyes and ears of the Contracting Officer. They are on the ground, understand the unit’s requirements and can interact with the contractor to ensure the Government gets what it ordered at the time and place specified in the contract.

CORs manage some of the administrative functions of the contract and ensure the Government is getting what was specified within the contract. Some of their specific duties are to serve as a liaison between the contractor on site and the Contracting Officer. They monitor the delivery and task orders placed under the contract and serve as a quality assurance representative of the

services or equipment the contractor is providing. They ensure and keep the Contracting Officer informed of the Contractor's performance under the terms of the contract and review the vouchers and invoices the contractor submits prior to payment.<sup>11</sup> The COR mission is complex and critical to the success of a contract.

Not everyone can serve as a COR. The Defense Federal Acquisition Regulation dictates that a COR must be a Government employee, they must have the requisite training and experience, and they must be designated in writing.<sup>12</sup> The key requirement in terms of this paper is the experience required. The CORs must be trained. Training is conducted prior to deployment and during the deployment. These classes are conducted by experienced Contracting Officers. The training focuses on the dual lines of responsibility in which the COR has a functional chain of command and appointed duties by the Contracting Officer. These functions are at odds when the command wants something done faster than what is feasible by the contract. This dilemma also places the COR in a difficult position between the desires of the command and the specific duties of a COR. The training also focuses on the specific duties of the COR. These duties are outlined in the training but they do not, nor could they focus on the technical requirements of the position. The training also discusses what limitations the COR has and the specific Authority they possess. It ensures they are familiar with unauthorized commitments.<sup>13</sup> Another area of interest is the study of Ethics and how it pertains to the COR. The training attempts to integrate the COR in the actions of their unit by demonstrating how they must take part in

the mission support planning. The training then focuses on specific documents and actions the COR must understand. For example, training in the application of the Department of the Army Form 3953, Purchase and Commitment form which is the document that delineates the funding that is approved for the project or purchase. COR personnel are also trained on the development and understanding of the Performance Work Statement (PWS). Another key element of learning contracting for the COR is how to read the contract that they are the COR for. These contracts can range from a few pages to very long and complicated documents. Additional online training that the COR must complete prior to the classroom training is the Defense Acquisition University's Continuous Learning Module 106, COR with a Mission Focus, as well as, an on-line ethics class. Both courses are offered on line and are pre-requisite for appointment as a COR. As evidenced by the list of tasks that the COR is responsible to learn, this is a very complex and challenging mission. It takes time, experience and technical expertise in the area that is being procured. So how are these Soldiers selected for such a challenging assignment?

COR personnel must be nominated in writing by their Command or nominating official. By doing so, their Commander is stating that this is a responsible individual who has the requisite moral and ethical standards to perform the duties and has the required training.<sup>14</sup> Usually, the CORs must be in the grade of E7 (Sergeant First Class) or above. However, these Contracting Officer Nominees are often Soldiers who are available, had the COR specific training outlined above and are in the right pay grade at the right location.<sup>15</sup> Note,

the typical COR nominee frequently lack the specialized training or experience in the task that they will be overseeing. This lack of experience in the area/service being procured creates the capability gap.

#### The Capability Gap:

The capability gap that exists with CORs is created due to the separate functions of requirements and contracting. As mentioned earlier, within the Federal Acquisition System, there are basically three parts to an acquisition, the requirement, the procurement and the payment. To avoid conflicts of interest and preclude opportunities for fraud each of these functions are completed by different organizations. The requirement is created by the requiring activity. The procurement is completed by the Contracting Officer and payment is completed by the Defense Finance and Accounting System. All three of these organizations interact and exchange information but they are not interchangeable. Because of this separation Contracting Officers can assist the requiring activity in the development of their requirement but it is the requiring activity's sole responsibility to ensure what they draft meets their intended need. This affects CORs in two ways and leads to a capability gap in their training. First, it creates a disparity in training in that only the administrative contracting requirements are trained during COR Training. Because the requirements are the responsibility of the requiring activity, it is the requiring activity's responsibility to nominate someone who has the technical knowledge necessary. The fallacy is that these organizations, in most instances do not have anyone qualified. The second way it leads to a capability gap is that when a problem with the contract performance

arises, the COR is responsible to detect the problem and take the necessary steps to get the contractor to correct the deficiency or report it to the Contracting Officer. In many instances, the COR never detects a problem and it is only after acceptance that the requiring activity notices that there is a problem. What causes these problems? During the author's two deployments to Iraq and Afghanistan the identification, resourcing, training and employment of CORs was a significant issue to both the Contracting Officers and the supported units. Most units had numerous demands for their Soldiers time and efforts; the responsibilities of the COR were one of a myriad of different additional duties units were responsible for. Due to these competing duties, COR functions often were neglected or completed in a rudimentary manner. This shortfall impacted the overall mission by allowing sub-performing contractors to provide substandard work or, in some instances, not complete the requirements at all. This problem was noted in the Special Inspector General for Afghan Reconstruction's (SIGAR) report noting specifically that the CORs they spoke to did not have the time to visit their contract sites due to competing requirements on their time.<sup>16</sup> As a result, contract failure can and often does have a negative impact on the overall Counter-Insurgency mission. Another factor complicating this problem is the lack of the requisite skills required to inspect and detect or certify contracted projects or services. The COR answer book notes that it is preferable that the COR be a technical expert on the requirements of the contract.<sup>17</sup> This lack of expertise has been noted by the Department of Defense Inspector General when assessing the electrical safety in Afghanistan.<sup>18</sup> The

Combined Joint Task Force – 82 Joint Logistics Officer (J4) stated when asked about the training CORs receive that “COR training focused on the technical aspects of contract oversight and did not account for technical training in the areas of plumbing, electrical, and general construction.”<sup>19</sup>

Not having the requisite technical knowledge can lead to contract failures. Using two vignettes witnessed during the author’s recent deployment to Afghanistan help illustrate the problem. These vignettes involve both construction and commodity contracts that either failed or had significant problems due to the gap in training previously identified.

The following construction project illustrates what can happen when a COR does not have the requisite construction experience or knowledge to oversee the project.

This was a project in the Konar Valley in Eastern Afghanistan. The project was for the construction of several brick and mortar latrines. At the completion of the project the unit would have turn-key latrines. This project was on a Battalion size Forward Operating Base (FOB), located within approximately 6 miles from the Pakistani border. The COR was the Battalion S4 (Logistics Officer) who was also the COR for most of the contracts within the Battalion. She had all appropriate training and was working diligently to keep up with the responsibilities of these and other contracts. She went so far as to have someone show her how to read blueprints and found an error with the contractor’s layout of the project. She required them to tear down the incorrect structures to adhere to the blueprints. She also discovered problems with the

plumbing materials used and required the contractor to once again adhere to the plans. However, once the brick structure was installed and they began pouring concrete she did not know or didn't have the expertise to adequately check the concrete structure. The contracts proceeded on track and were ready for government acceptance. The latrines were accepted and because the LOGCAP contract would assume operations and maintenance of the latrines as part of the camp infrastructure, the LOGCAP contractor conducted an inspection of the latrines. It was found that due to improper concrete work and poor structural work, the latrines would need to be torn down and were unsafe for use. In this case, the COR was proactive as evidenced by her learning to read blueprints, (trained and engaged) yet the project still failed. Why? Because the COR had no construction experience or knowledge. Nor did she have any technical expertise on site on which to gain advice. The Contracting Officer trained her on the administrative duties of the COR and hoped that the nominating command would only nominate someone with the requisite knowledge of the project. However, that was an unrealistic expectation. These units are designed and manned to complete their wartime mission. The logisticians within the unit are trained on how to tactically support that unit in combat. They do not receive training on construction techniques or even basic construction theory. So, who is a Commander suppose to nominate to be a COR? The reality is that they nominate someone responsible that has the COR training and that can have a reasonable expectation of having the time to complete the extra duty along with their other responsibilities.<sup>20</sup> In many cases, that is an unrealistic expectation.

The CORs are too busy leading Soldiers, and handling their normal duty functions to find the time necessary to perform any more than perfunctory duties as the COR.

The second vignette demonstrates how this lack of expertise can affect a commodity contract. The Joint Contracting Command's acquisition instruction states that "CORs shall be appointed for all contracts with significant technical requirements which require on-going advice and surveillance from technical/requirements personnel. CORs are not generally appointed for simplified acquisitions unless the requirement is complex enough in nature to warrant such action."<sup>21</sup> The reason this has to be specified is that normally when not in a contingency operation, COR functions are used on service contracts and construction contracts. They are rarely used on commodity contracts and that the responsibility for receiving items is handled by supply specialists at the various installations. However, in a contingency situation what often happens is that CORs are required on commodity contracts due to the locations where they are delivered, the complexity of what is being delivered and the security requirements to enable contractors to enter bases. An example of this was multiple large purchases of containerized latrines. Containerized latrines were required by the units in Afghanistan to replace burn-out latrines or portable latrines. These were favored over brick and mortar latrines due to cost and the ability to place them where ever the unit required them. These contracts were used throughout Afghanistan and most if not all had significant issues which when left uncorrected had dire, life threatening consequences. A containerized

latrine is just that, a shipping container or trailer with commodes, urinals, sinks and in some cases showers installed. These containerized units usually came with plumbing pre-installed including water pumps and heaters. Once delivered, they required a pad or foundation to sit on, a water source and a connection for electricity and they were up and running. In both Iraq and Afghanistan, Section 886 of the Defense Authorization Act of 2008<sup>22</sup> authorized limited completion in the form of an Afghanistan First program. It was determined that there were numerous vendors within Afghanistan that could provide containerized latrines. This was good news in that it would result in an overall lower cost for the latrines, it wouldn't further tie up the transportation assets and routes coming into the theater and finally it would provide a much needed boost to the Afghan economy by developing small businesses while providing an influx of cash. At this time, US Forces in Afghanistan were expanding: The first surge in the Spring/Summer of 2009 expanded into the South and the second surge in early 2010 expanded the west, north and south. Containerized latrines were in great need. These latrines were contracted for with Afghan vendors and deliveries began to arrive. Because these were commodity contracts a COR was not required per the Joint Contracting Command-Iraq/Afghanistan (JCC-I/A) Acquisition Instruction; however, the Money As A Weapon System Afghanistan (MAAWS-A) requires that all contracts over a \$100,000 have CORs assigned.<sup>23</sup> In accordance with this policy, CORs were nominated and appointed by the various units and Contracting Officers and when delivery was made the CORs received them and signed for the items. They conducted a walk-through and ensured that the

Government received the quantity and the type that was called for on the contract. The requisite paperwork was completed and the contractors paid. When the government turned these containerized latrines over to the LOGCAP contractor for installation they conducted an inspection with a qualified electrician and plumber and found that the latrines were unsafe. In one instance they found an electrical outlet for the exhaust fan mounted inside the shower. The electricians also found counterfeit products which are common in the region.<sup>24</sup> Plumbers found ill fitting pipes with numerous leaks. The list goes on and on. Could the contractors have done a better job constructing the units and have a better quality control process? Absolutely, however these were not latent defects and with a knowledgeable person conducting the inspection these would have been caught before the units were accepted by the government.

Examining these two vignettes closer, an easy solution would be that if the LOGCAP contractor had the requisite knowledge, skills and abilities to inspect and detect these problems why not use LOGCAP contractor as the COR? As mentioned previously, the DFAR has mandated that CORs be US Government employees. This was recently reinforced by the Office of Management and Budget (OMB) determined that serving as a COR is inherently governmental which means that it has to be a US Government employee.<sup>25</sup>

This creates a capability gap in that the requiring activities do not have the requisite knowledge, skills and abilities to train personnel in the myriad of skills needed. Nor do they recognize their responsibility to do so. Heated discussions would often arise because commanders and leaders at all levels wanted to point

the finger at the contracting officer when a contractor did not perform in accordance with the contract or their deliverable was not to the expected standard. They did not accept that it was their COR's responsibility to ensure that the contractor performed correctly. However, the acquisition community is also at fault. When the Department of the Army published an Execution Order<sup>26</sup> directing specific training, the acquisition community developed and implemented a plan to identify and train those units preparing for deployment. Unfortunately, that training focused on the administrative contract specific functions of overseeing the contract. To be fair to both the requiring activities and the acquisition community, neither have the personnel, time, money or expertise to train CORs in the skills needed to manage all of the different types of requirements found in a contingency.

#### Finding a Solution:

If neither the requiring activity nor the acquisition community can provide the expertise to handle both the administrative and technical portions of the job what is the solution? To find that answer, each course of action will be evaluated by the following three criteria.

1. That the solution has to be in accordance with all applicable laws and regulations
2. It cannot further burden the requiring activities
3. It must provide both technical and administrative oversight and management functions.

Once these criteria are satisfied, the benefits and challenges of each course of action will be identified. Additionally, these screening criteria are used to refine and focus any potential courses of action.

In this paper, the proposed course of action are evaluated on the following:

1. Their ease of integration into the current system
2. The likelihood of acceptance by the Department of the Army and Department of Defense
3. The resources required to implement.

Below are three feasible and realistic courses of action:

**Course of Action 1:** *Use the National Guard and Reserve to create a new organization of Contingency CORs.*

The benefits of this course of action are that it could capitalize upon the existing civilian skills found in the Army National Guard and Army Reserve. Because these would be National Guardsmen and Reservists, they would meet the Government Employee requirement and because these are skills that they use in their civilian careers they would not lose the skills over time; which would be a benefit for the Army as well as their civilian employers. A similar course of action was suggested by the Special Inspector General for Iraqi Reconstruction and noted by Deputy Secretary of Defense England when reporting to Congress.<sup>27</sup>

There are two primary challenges with this course of action. First, It assumes that the requisite expertise exists within the National Guard and

Reserve in enough quantities to serve in those functions and not interfere with their other missions. Secondly, this course of action would further burden an already overburdened National Guard and Reserve and therefore, it is unlikely that the senior leadership would support an effort to shift more missions and responsibilities to either the Army National Guard or Army Reserve.

**Course of Action 2: Hire Contractors to serve as a Technical Representative to the COR.**

The benefits of this course of action are that the COR is still from the requiring activity which gives them a stake in the process. They would receive technical guidance by the contractor on an as needed basis. The additional personnel providing the technical expertise would not further burden the operational unit. Potentially, this could be added to a modified LOGCAP contract to allow contractors already in theater to serve in these functions.

The challenges to this course of action are the cost of hiring contractors to provide this service. Regardless of whether this was implemented with a new contract or by modifying the existing LOGCAP contract it would require more contractors in theater. This would be difficult at a time when the Department of Defense is examining how to reduce the number of service contractors by 13 percent annually.<sup>28</sup>

**Course of action 3: Keep the status quo, with the addition of providing training on how to find technical expertise when needed.**

The benefits to this course of action are that it would only require slight modification to the current contracting officer curriculum. There would be no

additional costs to the contract. The challenges are, first, that it assumes that technical expertise will be available when needed. Secondly, it puts additional burden on the Corps of Engineers and Army Engineer units in Theater. In essence, this course of action doesn't necessarily address the problem. In comparing the various courses of action, the one that would address the problem, be the simplest to implement without significant disruption to either the contracting officers or the requiring activities would be course of action 2, The hiring of Contractors to serve as a Technical Representative to the COR. It would have the greatest acceptance by the Department of the Army and Department of Defense because it could be tailorable and used only during contingency operations. Although this would have a significant monetary cost it would not increase the force structure in theater, nor would it further burden any units in theater.

Proposed Organization and Employment of this Solution:

Army Central Command would develop a requirement documenting the need for technical advisors. Using historical data from both Iraq and Afghanistan they can determine what skills would be needed but as a minimum, construction, electrical, and plumbing expertise would be detailed within the requirement. The requirements would need to be fairly detailed to the extent of certifications required by the technical advisors, as well as, knowledge of various types of standards (i.e. The US National Electric Code or Compliance with the European Directives). They would also need to specify how the contractors in theater would receive their logistics support. Would it be provided by the US

Government, would it be reimbursable etc...? All of the details of the requirements would need to be drafted, staffed to the various commands including Joint Contracting Command – Iraq/Afghanistan and finally approved.

Once an approved set of requirements were completed, the requiring activity would need to determine an Internal Government Estimate. Joint Contracting Command – Iraq/Afghanistan could assist providing historical cost data. Finally, the Comptroller would need to fund the minimum orders for this contract. All of this ensures that there is a valid requirement and it has the appropriate funding before a Request for Proposal is published. The intent would be for Joint Contracting Command – Iraq/Afghanistan to issue a Request for Proposal (RFP) for an Indefinite Delivery/Indefinite Quantity (IDIQ) contract that specified the minimum and the maximum size of the contract award. They would need to specify in the RFP that the contract may result in multiple awards to allow for the possibility that different contractors would support different regions. Once awarded, every contract requiring technical expertise as determined by the requiring activity and the contracting officer would have an additional line item on the Purchase Request and Commitment Form, DA Form 3953, that would provide funding for the technical advisor on each contract. It would be the decision of the requiring activity and the judgment of the contracting officer if a technical advisor would be needed on the contract.

Summary:

This paper demonstrates that there is a documented capability gap in the training of CORs which intentionally neglects training on the specific technical

contract knowledge that is required on some contracts. Audit agencies and various commissions have repeatedly noted that CORs lack the technical training required to do their mission appropriately. This is not a fault of either the acquisition community or the requiring activities because neither have the resources in personnel qualified to train or inspect electrical, plumbing and/or construction projects. The doctrine on this topic assumes that the requiring activity has the requisite knowledge but audit agencies and leaders on the ground disagree. This problem does not require a long-term institutional solution but rather a tailorable solution that can be implemented when and where needed. The recommended solution is creating a mechanism, through an IDIQ type contract, to provide the expertise when and where needed. This contracted solution will provide the CORs the needed expertise, through an advisor, to identify deficiencies and shortfalls in the technical aspects of the contract. By utilizing a contract solution the government would be minimizing its risk by taking reasonable steps to ensure that projects are completed in accordance with applicable safety standards. Ensuring that the contracted item is right the first time or during construction would provide better outcomes from the contract completion,<sup>29</sup> not to mention saving on opportunity costs that the requiring activity suffers when a project fails. This solution adequately solves a capability gap that is unique to providing contracted goods and services during protracted contingency operations. By solving the capability gap it provides the expertise to the CORs and therefore reduces the difficulties inherent in managing contracts in a contingency environment.

## Endnotes

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<sup>3</sup> US Government Accountability Office, *DOD Needs to Address Contract Oversight and Quality Assurance Issues for Contracts Used to Support Contingency Operations*, *GAO Report to Congressional Committees*, GAO-08-1087, (Washington, DC September 2008)

<sup>4</sup> Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations is commonly referred to as the Gansler Commission in reference to Dr. Jacques S. Gansler, Chairman, former Under Secretary of Defense (Acquisition, Technology & Logistics)

<sup>5</sup> FY09 Defense Criminal Investigative Service Statistics for Fraud Cases, [http://www.dodig.mil/inspections/apo/fraud/FraudStatistics\\_pdfs/DCIS\\_FraudStatisticsFY09.pdf](http://www.dodig.mil/inspections/apo/fraud/FraudStatistics_pdfs/DCIS_FraudStatisticsFY09.pdf)

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<sup>22</sup> US Congress, National Defense Authorization Act for FY 2008, H.R. 1585 110<sup>th</sup> Cong. (Dec 2007) Sec 886

<sup>23</sup> US Forces Afghanistan, Money As A Weapon System, USFOR-A Pub 1-06 (Kabul, US Forces Afghanistan, May 2009) 232

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